



DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

DATE: AUGUST 13, 2015

TO: PLANNING COMMISSION

FROM: BRANDI CUMMINGS, PROJECT MANAGER

SUBJECT: THIRD TIME EXTENSION FOR MINOR USE PERMIT DRC2009-00109 (BROHAUGH)

SUMMARY

The applicant is requesting a third time extension for a Minor Use Permit (DRC2009-00109) that authorized the conversion of an existing 2,000 square foot (sf) agricultural barn into a wine processing facility that will include a 500 sf tasting room. Also authorized were six (6) special events per year, with no more than 80 attendees, in addition to industry-wide events. The project will result in the disturbance of approximately 3,600 sf for the driveway access on a 130 acre parcel. The project is within the Agriculture land use category and is located on the north side of Creston Road at 6992 Creston Road, approximately 2.5 miles east of the City of Paso Robles. The site is located in the North County Planning Area, within the El Pomar-Estrella Sub Area.

RECOMMENDATION

Conditionally approve the third time extension to be valid until May 21, 2016 for Minor Use Permit DRC2009-00109 based on the findings in "Exhibit A" and conditions in "Exhibit B" that carry over the original findings and conditions outlined in the attached staff report.

DISCUSSION

Minor Use Permit (DRC2009-00109) was approved at a Planning Department Hearing on May 6, 2011, and became effective on May 20, 2011, at the end of the local appeal period. The use permit was initially valid for a period of two years after its final effective date (until May 21, 2013). The first and second one-year time extensions were authorized by the Planning Director, extending the life of the permit to May 21, 2015.

The applicant submitted a request for a third time extension on April 22, 2015. According to Land Use Ordinance (LUO) Section 22.64.070.B, Planning Commission approval is required for this third, and final, one-year time extension. If "substantial site work," as defined at LUO Section 22.64.080, has not occurred by the end of the third time extension, the use permit will become void. To date, the

applicant has not pulled construction permits to begin converting the barn into a winery; therefore, substantial site work has not occurred.

Section 22.64.070 specifies that the Planning Commission may grant a third one-year time extension if the following three findings can be made:

1. Substantial site work could not be completed as set forth in LUO Section 22.64.080 because of circumstances beyond the control of the applicant.

The applicant has not been able to begin the project due to a lack of financing since the recession that occurred shortly after the project was approved. These economic conditions were out of the applicant's control.

2. The original findings justifying the first two time extensions can still be made:

- a. There have been no changes to provisions of the Land Use Element and Land Use Ordinance applicable to the project since the approval of the land use permit.

There have been no changes to the Land Use Element applicable to the project since its approval as no amendments to the Land Use Ordinance or Land Use Element have been approved since the time of the original project approval that would affect this project.

- b. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element and Land Use Ordinance apply to the project.

The proposed winery is located on an established agricultural lot with existing vineyards. No new land uses have been established within the vicinity of the subject property. The physical characteristics of the project site and its surroundings have not substantially changed since May of 2011 when the project was first approved.

- c. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

Paso Robles Groundwater Basin – Urgency Ordinance 3246 (“Ordinance”). The project is located within the Paso Robles Groundwater Basin and is located in the Urgency Ordinance area. However, per Section 5.A.4 of the Ordinance, the project would not be required to offset water demand because the land use permit application was accepted as complete prior to the effective date of the Ordinance. In addition, per Section 5.A.5 of the Ordinance, any construction permit necessary to implement this land use permit (approved prior to the effective date of the Ordinance) would not be subject to the Ordinance.

3. The original findings used to justify the initial approval of this permit can still be made pursuant to Land Use Ordinance Section 22.64.060.C.4.

The original permit findings are still valid and can be made for the proposed project. These findings are outlined in the attached findings from the May 6, 2011 staff report for Minor Use Permit DRC2009-00109.

This time extension request meets the required findings for a third time extension, as well as the original findings required for Minor Use Permit approval and the first two time extensions.

ATTACHMENTS

1. Exhibit A – Findings (REVISED)
2. Exhibit B – Condition (REVISED)
3. May 6, 2011 Staff Report, Findings, Conditions, and Graphics
4. Negative Declaration issued March 24, 2011
5. Kirk Consulting's written request for a third time extension
6. Urgency Ordinance 3246